

Transit-Oriented Areas Bill 47



Local Government Webinar Series
January 25, 2024
Ministry of Housing



What we will cover

Goal

Help local governments understand the legislative changes introduced in late 2023 related to transit-oriented areas (TOAs).

Topics

- Overview:
 - Transit-oriented areas
 - Minimum allowable density framework
 - Off-street parking regulation
 - Provincial policy manual
- Implementation and other considerations
- Questions



Why this legislation now?

- Supports increased housing supply through the creation of denser, more complete communities around transit hubs.
- Addresses multiple provincial challenges simultaneously:
 - Tackling the housing crisis
 - Transportation and land use integration
 - Real alternatives to vehicle travel
 - Economically sustainable infrastructure investment
 - Climate change
- TOAs will provide for more diverse neighbourhoods and leverage significant investments in transit.
- The density, mix, and pattern of land uses around transit hubs can create the transit-supportive conditions necessary for TOAs to thrive.



What is Bill 47?

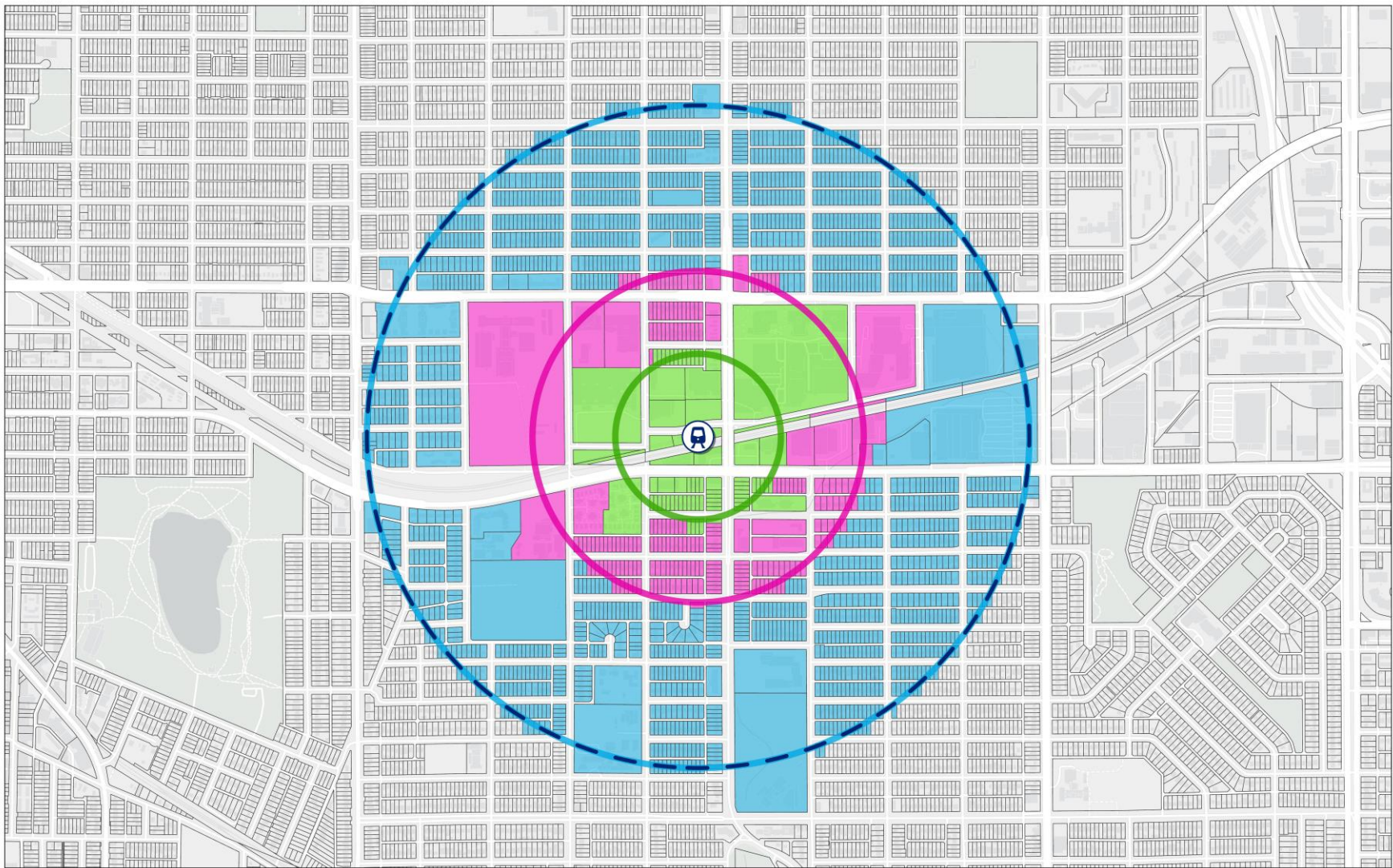
- Amendments to *Local Government Act* and *Vancouver Charter*
- Consequential amendments to *Islands Trust Act* and *Transportation Act*
- New regulations:
 - Designates 52 interim transit-oriented area (TOAs) that took immediate effect
 - List the transit stations around which local governments must designate TOAs by June 30, 2024
 - Sets out details such as the minimum allowable density and applicable distance from the stations
- Provincial policy manual



Required by June 30, 2024

1. Local governments must designate TOAs around prescribed transit stations by bylaw by June 30, 2024.
 - In some cases, transit stations may fall outside of a local government's boundary, but the TOA may extend into their boundary. In these cases, local governments will be responsible for designating the portion of the TOA that is within their jurisdiction.
 - List of stations: Order-in-council 678/2023 (link on Local Government Housing Initiatives website)
2. As well, these local governments must update their parking bylaws to conform with the provincial limitation on requiring off-street residential parking within TOAs by June 30, 2024.

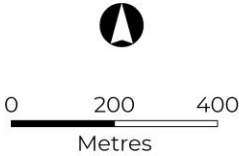




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Legend

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TOAs currently in effect

52 TOAs were designated by regulation effective December 7, 2023

Burnaby

- Brentwood Town Centre Station
- Burquitlam Station*
- Joyce – Collingwood Station*
- Lougheed Town Centre Station
- Metrotown Station
- Patterson Station
- Rupert Station*
- Sperling – Burnaby Lake Station

Chilliwack

- Downtown Chilliwack Exchange

Coquitlam

- Burquitlam Station
- Coquitlam Central Station
- Inlet Centre Station*
- Lafarge Lake – Douglas Station
- Lincoln Station
- Lougheed Town Centre Station*
- Moody Centre Station*

Kamloops

- Lansdowne Exchange
- North Shore Exchange

Kelowna

- Okanagan College Exchange
- Rutland Exchange

Maple Ridge

- Port Haney Station

Mission

- Mission City Station

New Westminster

- Columbia Station
- New Westminster Station

North Vancouver (District)

- Phibbs Exchange

Port Coquitlam

- Coquitlam Central Station*
- Lincoln Station*

Port Moody

- Inlet Centre Station
- Moody Centre Station

Richmond

- Aberdeen Station
- Bridgeport Station
- Capstan Station
- Lansdowne Station
- Marine Drive Station*
- Richmond – Brighthouse Station

Saanich

- Uptown Exchange

Surrey

- 152nd Street Station
- 160th Street Station
- 166th Street Station
- 184th Street Station
- 190th Street Station
- Columbia Station*

Vancouver

- 29th Avenue Station
- Arbutus Station
- Bridgeport Station*
- Broadway – City Hall Station
- Great Northern Way – Emily Carr Station
- Joyce – Collingwood Station
- King Edward Station
- Langara – 49th Avenue Station
- Marine Drive Station
- Mount Pleasant Station
- Nanaimo Station
- Oak – VGH Station
- Oakridge – 41st Avenue Station
- Olympic Village Station
- Renfrew Station
- Rupert Station
- South Granville Station
- Stadium – Chinatown Station
- VCC – Clark Station
- Waterfront Station

Victoria

- Legislature Exchange

*Overlap TOA from adjacent municipality

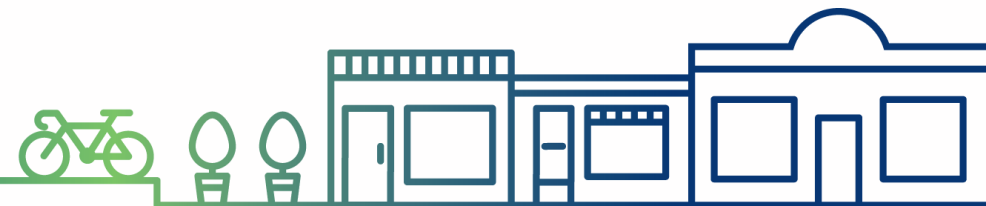
Municipalities with TOAs as of June 30

Abbotsford
Burnaby
Chilliwack
Colwood
Coquitlam
Delta*
Kamloops
Kelowna
Langford
Langley (City)
Langley (Township)

Maple Ridge
Mission
Nanaimo
New Westminister
North Vancouver (City)
North Vancouver (District)
Penticton
Pitt Meadows
Port Coquitlam
Port Moody

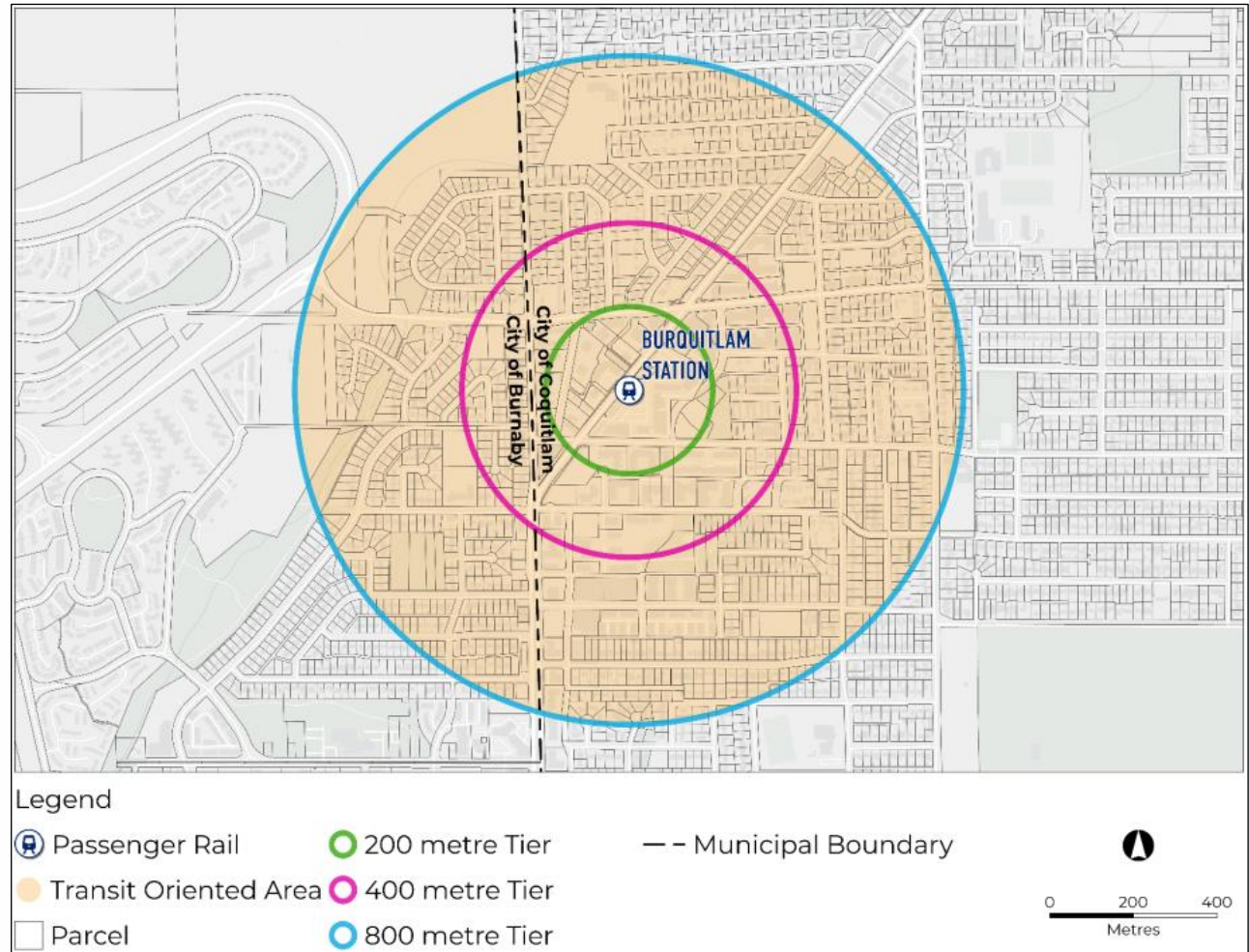
Prince George
Richmond
Surrey
Vernon
Victoria
Vancouver
Lantzville*
Saanich (District)
Whistler
View Royal

* Overlap TOA from adjacent municipality



Cross-jurisdictional TOAs

- Some TOAs cross multiple boundaries.
- In these cases, local governments will be responsible for designating the portion of the TOA that is within their jurisdiction.



Provincial TOA designation

- The Province established 52 interim TOA designations effective December 7, 2023
 - Interim designations cease to have effect when a local government designates the same TOA by bylaw that takes effect June 30, 2024
- If the Province does not receive notice of a TOA designation bylaw or a designation was made incorrectly:
 - Minister of Transportation and Infrastructure provides notice to the local governments that identifies the TOA, the reasons the Minister may recommend an Order-in-Council, and a 90-day compliance timeframe
 - If needed, the Lieutenant Governor in Council may make an order designating a TOA on the recommendation of the Minister of Transportation and Infrastructure



Will new TOAs need to be designated in the future?

- New prescribed transit stations will be identified when future planned transit has reached a stage where we are certain it will be built.
- If that happens, the regulations will be amended to include the new transit stations. This would trigger requirement to update TOA designation bylaws.
- Several factors will be considered in identifying future TOAs, including the status of planning, funding, and construction, to assess the certainty of the station's construction and its suitability as a TOA.
- Joint planning between the transit agency, the Province and the local government will be critical to the process of identifying and designating future TOAs.



What happens in TOAs?

Within TOAs, local governments:

- May not deny a rezoning application based solely on the level of density or height proposed if it is at or below the density and height set out in the regulation.
- May not require the provision of off-street residential parking spaces.
- Must consider the provincial policy manual when making certain land use decisions.



Minimum allowable density framework

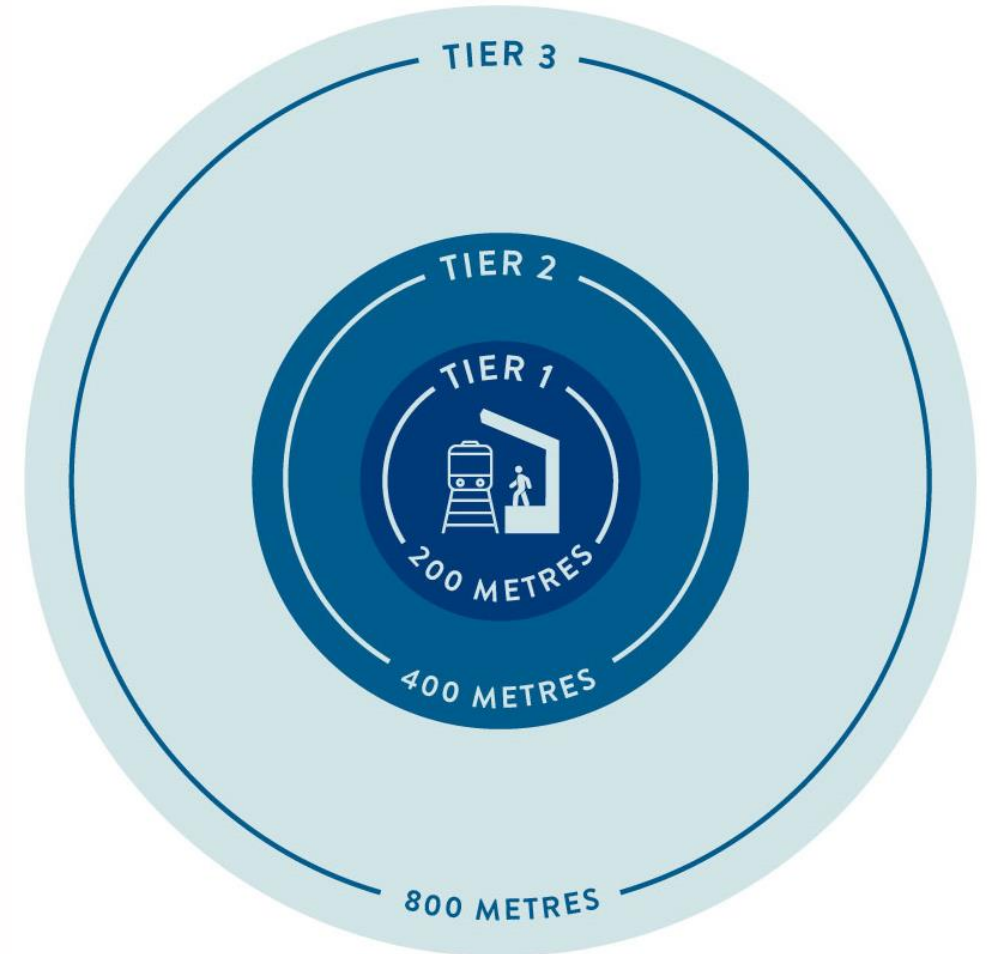
- Within TOAs, a local government may not reject a rezoning proposal based on the density or height exceeding what is currently allowed if:
 - What is proposed is less than or equal to the prescribed minimum allowable density or height in the regulations
 - Exemptions do not apply
- Minimum allowable density is defined by two metrics:
 - Density, measured by **Floor Area Ratio (FAR)***, and
 - Building height, measured in **storeys**
- The regulations establish the different minimum levels of density that local governments must allow for in proximity to different types of transit stations (e.g., SkyTrain, West Coast Express, or bus exchange).

* Also known as Floor Space Ratio (FSR)



Passenger rail (Sky Train) TOAs

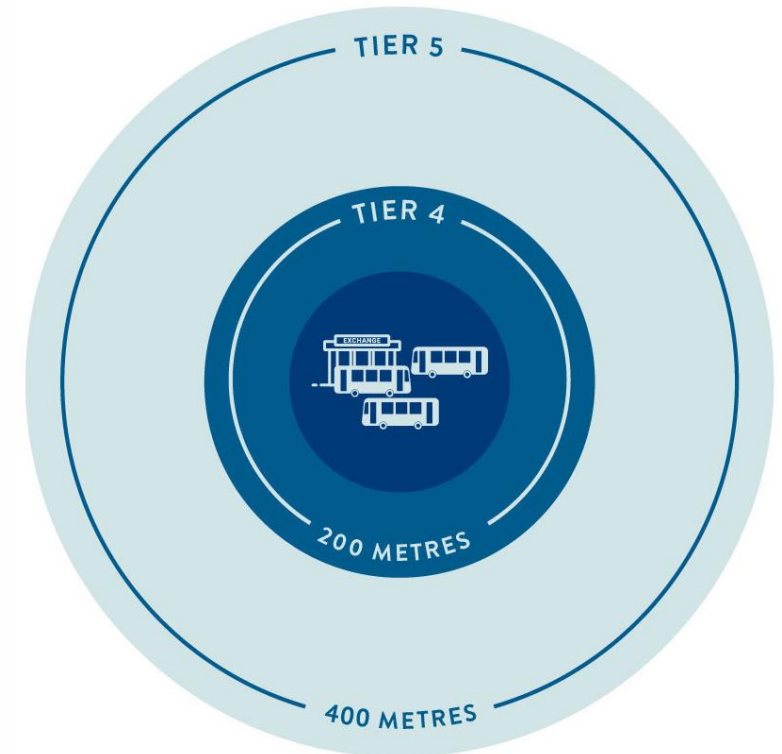
- Designation distance of 800 m (“crow flies”) measured from the station coordinate.
- Each rapid transit TOA is comprised of three land tiers, to which the following minimum allowable densities apply:
 - Tier 1 (0 – 200 m): 5.0 FAR, 20 Storeys
 - Tier 2 (200 – 400 m): 4.0 FAR, 12 Storeys
 - Tier 3 (400 – 800 m): 3.0 FAR, 8 Storeys
- See Provincial policy manual (pg. 30)



Bus exchange and West Coast Express TOAs

- Designation distance of 400 m (“crow flies”) measured from the station coordinate.
- The minimum allowable densities/heights vary as follows:

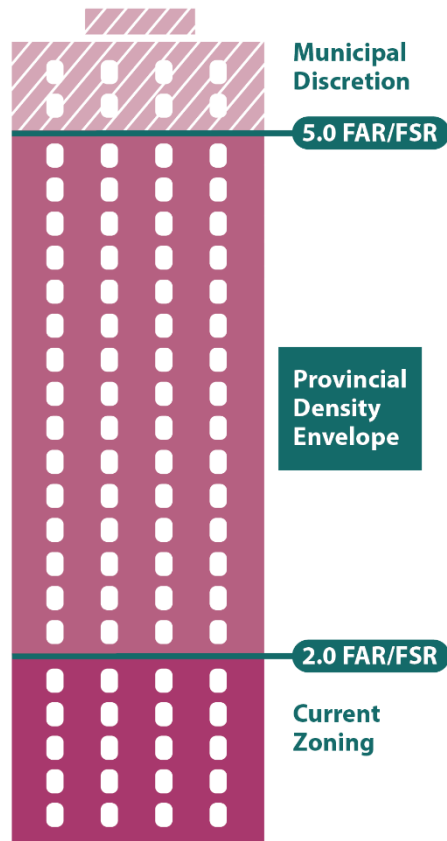
Municipality	Tier 4 (0 – 200 m)	Tier 5 (200 – 400 m)
Metro Vancouver municipalities	4.0 FAR 12 Storeys	3.0 FAR 8 Storeys
CRD municipalities and other mid-sized	3.5 FAR 10 Storeys	2.5 FAR 6 Storeys
Smaller municipalities	2.5 FAR 6 Storeys	1.5 FAR 4 Storeys



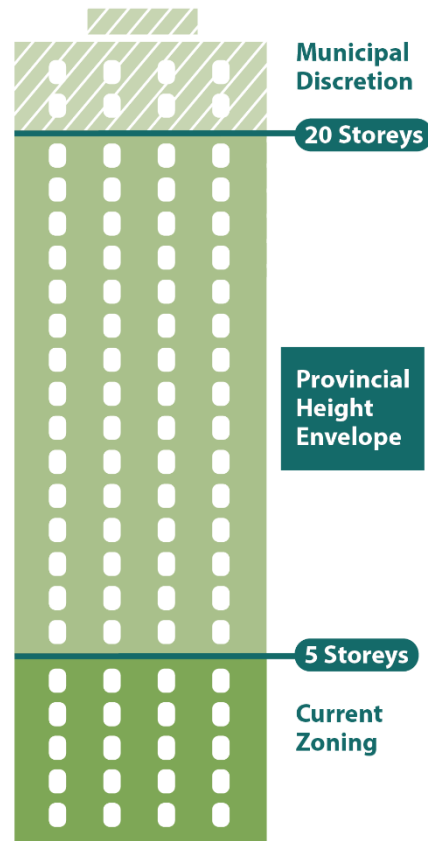
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Framework example

PROVINCIAL DENSITY ENVELOPE



PROVINCIAL HEIGHT ENVELOPE



Density/height above minimum allowable

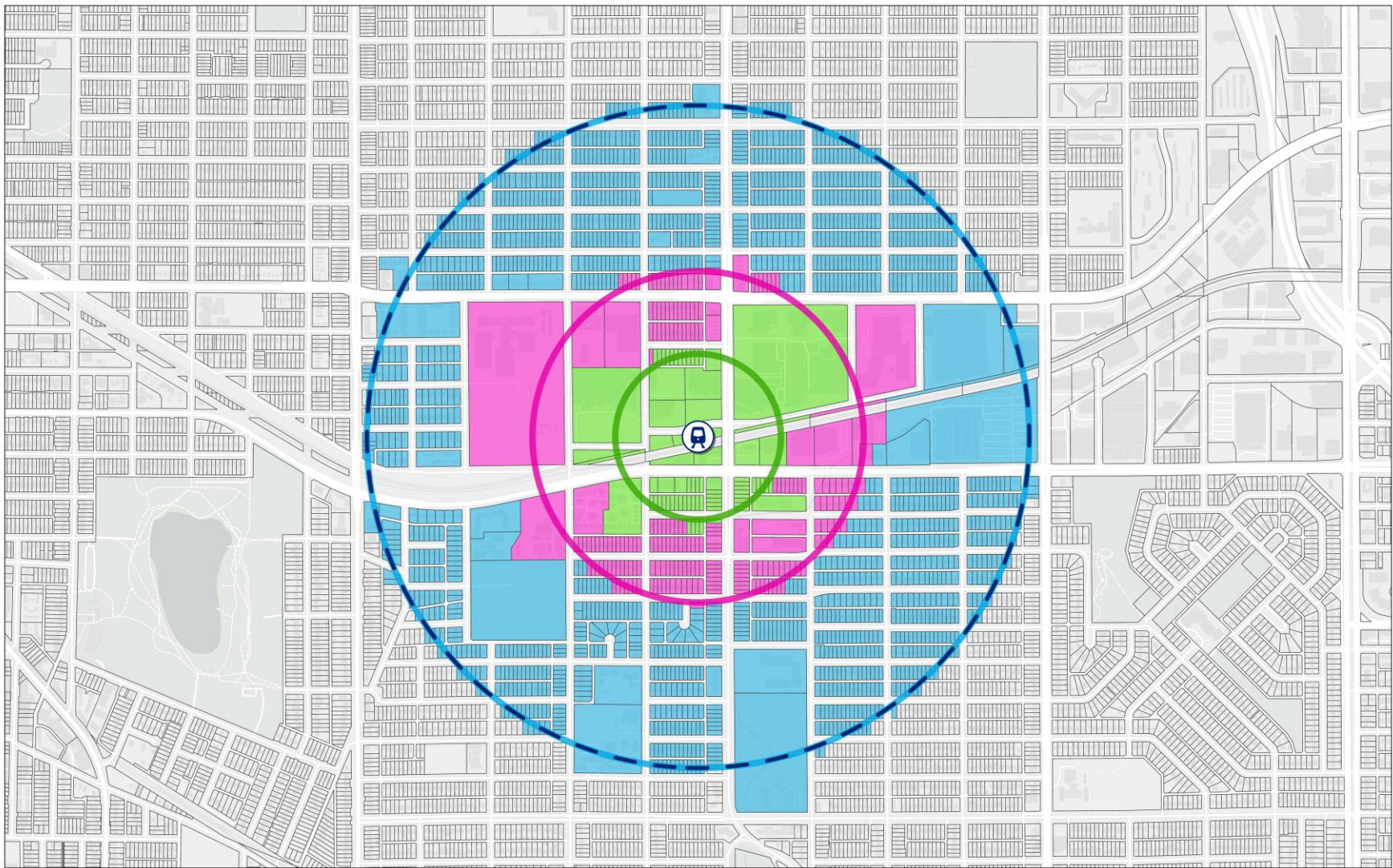
- Any increase in allowable density above the prescribed densities as authorized by the local government

Minimum allowable

- The required increase in allowable density and height prescribed in the regulations that must be allowed by local government when exercising zoning authority in relation to rezoning applications or amendments to zoning bylaws
- Legislation does not limit this to residential uses
 - Example: 4.0 FAR residential + 1.0 FAR commercial = 5.0 FAR total

Current zoning

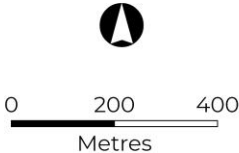
- Maximum density and building height allowed under existing zoning by local government



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Rezoning process

- Due to the complexity and scale of many transit-oriented development projects, it is expected that rezonings will still occur within TOAs.
- There is **no requirement** to pro-actively zone to the minimum allowable densities established in the regulations.
- The minimum allowable density framework does not change other existing aspects of municipal rezoning processes (submission requirements, staff reporting, bylaw introduction and readings, etc.) and authorities (rental tenure, engineering conditions, etc.)



Exemptions

- The minimum allowable density framework applies to any parcel within a TOA on which the current zoning permits **residential** land use.
- There are two exemption cases
 - Land zoned to permit industrial use, and
 - Land zoned to permit agricultural use.
... if the residential use is secondary or ancillary to the industrial/agricultural use.
- Other requirements apply (no parking minimums, must consider policy manual)



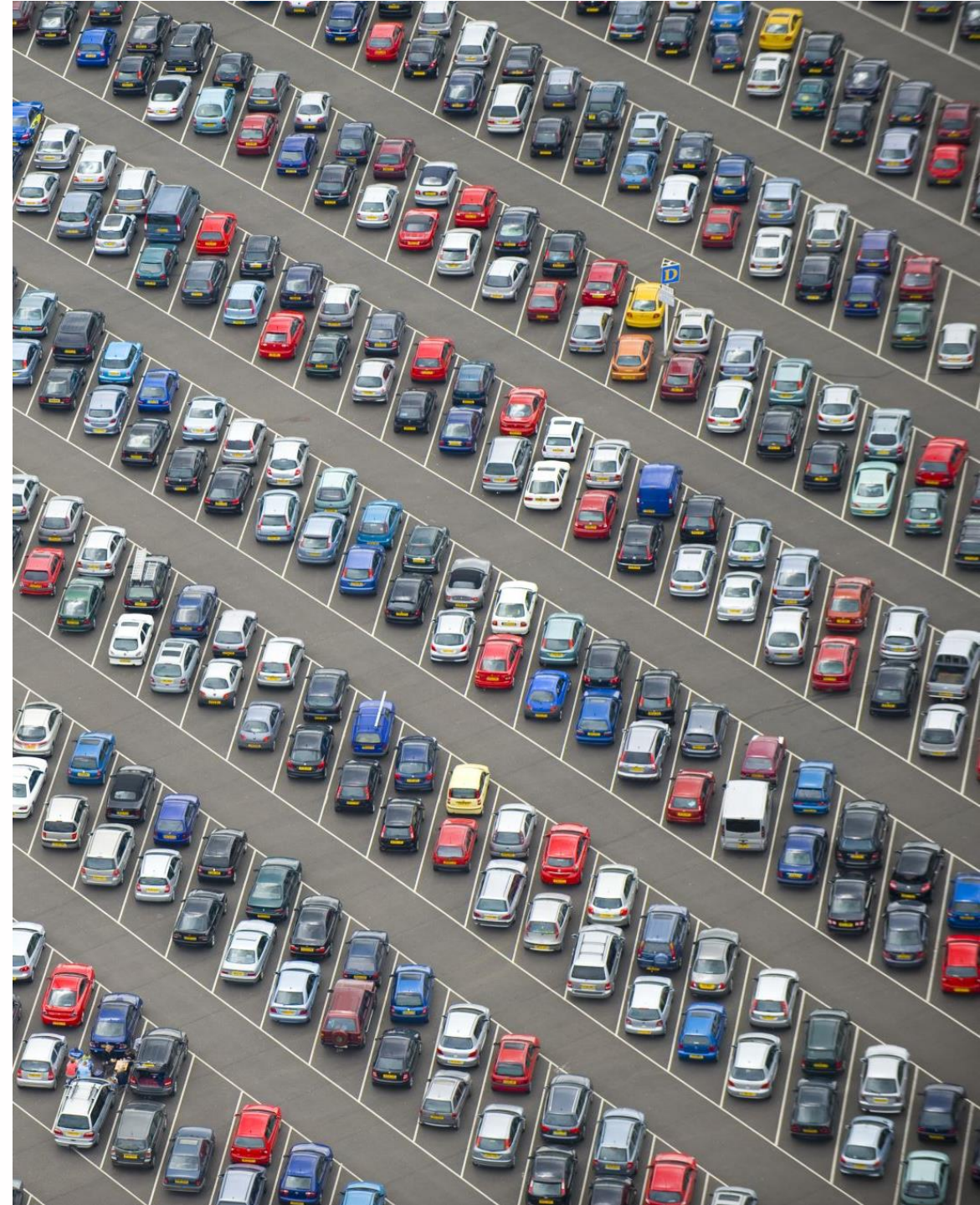
Limitations

- Development applications in TOAs are still subject to applicable policies, regulations, and statutes. For example:
 - Municipal development permit area guidelines (hazardous areas, form and character, etc.)
 - Heritage protections
 - Other provincial and federal statutes (*Riparian Area Regulations*, *Airport Zoning Regulations under Aeronautics Act*)



Parking regulations in TOAs

- Within TOAs, local governments cannot require off-street parking spaces that are related to residential uses.
- Instead, developers are expected to provide parking spaces based on market demand.
- This will reduce costs for building new housing and encourage the use of transit.
- Local governments are required to have their parking regulation bylaws aligned with this legislative requirement by June 30, 2024



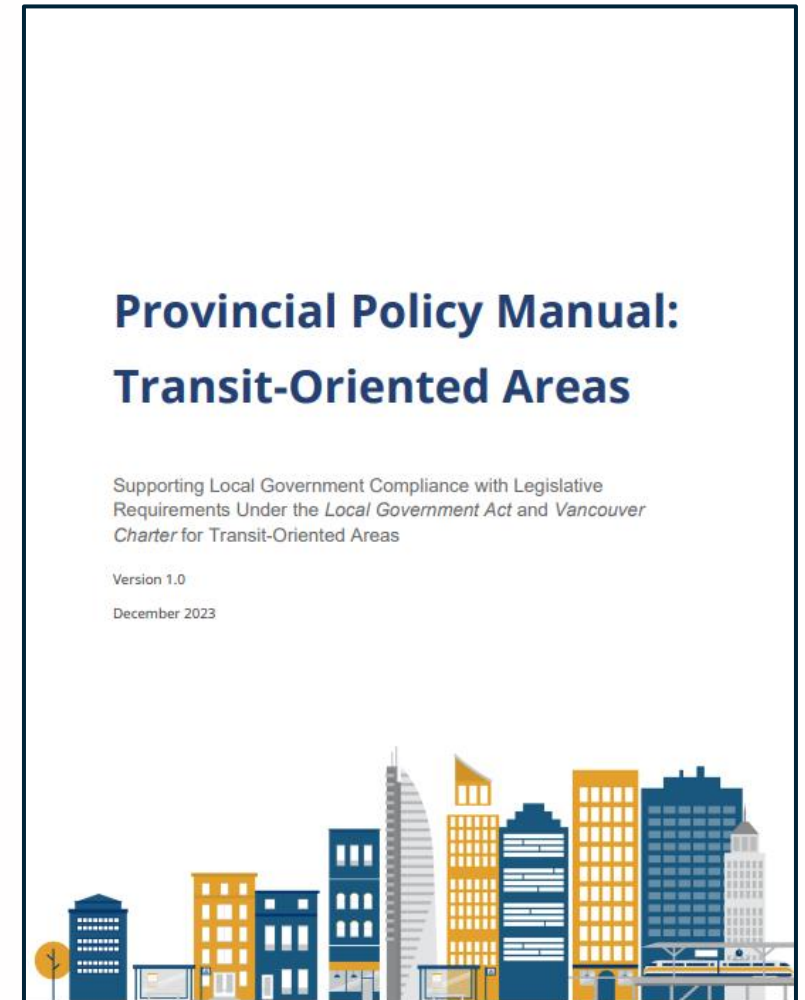
Exemptions and limitations

- Local governments may continue to:
 - Require accessible parking spaces and loading spaces for all land uses in TOAs
 - Require parking spaces for other non-residential land uses (e.g., commercial) that are part of proposed developments in TOAs
- The legislation provides authority for the Province to require off-street residential parking spaces. This authority has not been used.



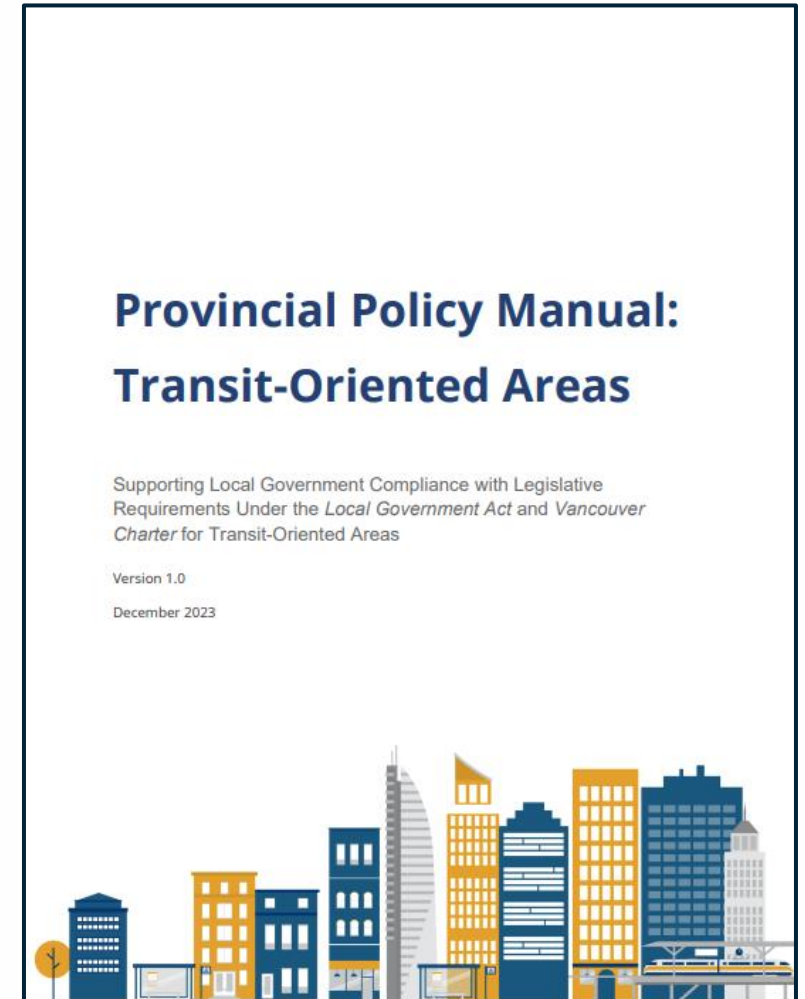
Policy manual

- The provincial policy manual supports local governments with implementing the new TOA legislative requirements.
- The legislation requires local governments to consider the policy manual when making the following land use decisions related to lands in TOAs:
 - Designating TOAs by bylaw
 - Developing or amending an official community plan
 - Developing or amending zoning bylaws
 - Developing or adopting parking regulation bylaws
- “Provincial policy guidelines” in legislation



Policy manual

- **Part 1** of the policy manual provides a detailed overview of the legislative and regulatory changes.
- **Part 2** of the policy manual provides guidance on implementing the legislation and regulations, including a description for how local governments should designate TOAs by bylaw.



Other considerations



Applying other tools and securing benefits

- Local governments may continue to use the rental tenure zoning tool in TOAs.
- Local governments can continue to use density bonus authorities in TOAs to secure affordable and special needs housing units and amenities.
- When applying the density bonus tool in a TOA, the “base” density is expected to be minimum allowable.



In-stream applications

- Zoning bylaw amendments related to lands that fall within a TOA that have received first reading at the time the legislation came into force (December 7, 2023) are not required to meet the new legislative requirements (minimum allowable density, must consider policy manual, no parking minimums, etc.).



Relationship to SSMUH

- Bill 44 requires all local governments to allow secondary suites or accessory dwelling units in single-family zones by June 30, 2024.
- As well, local governments are required to allow for 3, 4, or 6 units on lots zoned for single-family or duplex lots (depending on lot size and proximity to bus stops with frequent service), subject to exemptions, by June 30, 2024.
- Parcels within a designated TOA are **exempt** from the requirements to zone for 3, 4, or 6 units under the SSMUH legislation.



Relationship to pro-active zoning

- Bill 44 requires all local governments to update their Housing Needs Reports (HNRs) on a regular basis using a standard method and 20-year outlook.
- Interim HNRs must be completed by January 1, 2025.
- Municipalities are required to update their Official Community Plans (OCPs) and zoning bylaws based on the interim HNR by December 31, 2025.
- There is no **requirement** to pro-actively zone in TOAs to the minimum allowable densities established in the regulations. However, some local governments may choose to update their OCP designations and zoning in TOAs to meet their communities' 20-year housing needs.



Consistency with OCP

- Section 478 of the *Local Government Act* requires bylaws enacted (e.g., zoning bylaw) to be consistent with the relevant OCP.
- TOA legislation added a transitional provision that exempts local governments from section 478 in circumstances where a local government is complying with minimum allowable density when making a zoning decision in a TOA.
- Provision in effect until December 31, 2025.



Questions



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Ministry of
Housing

	Municipality	TOA Type	Tier	Prescribed Distance	Minimum Allowable Density (FAR/FSR)	Minimum Allowable Height (Storeys)			
Metro Vancouver	Burnaby Coquitlam Langley (C) Langley (T) New Westminster Port Moody Richmond Surrey Vancouver	SkyTrain	1	Less than 200	Up to 5.0	Up to 20			
			2	200-400	Up to 4.0	Up to 12			
			3	400-800	Up to 3.0	Up to 8			
	Capital Region/Medium Sized Municipalities	Langley (C) Maple Ridge North Vancouver (C) North Vancouver (D) Pitt Meadows Port Coquitlam Surrey Delta Vancouver	Bus/WCE	4	Less than 200	Up to 4.0	Up to 12		
				5	200-400	Up to 3.0	Up to 8		
		Smaller Munis	Abbotsford Chilliwack Colwood Kamloops Kelowna Langford Mission Nanaimo Prince George Saanich (D) Vernon Victoria View Royal	Bus/WCE	4	Less than 200	Up to 3.5	Up to 10	
					5	200-400	Up to 2.5	Up to 6	
	Penticton Lantzville Whistler		Bus	4	Less than 200	Up to 2.5	Up to 6	35	
		5	200-400	Up to 1.5	Up to 4				

TOA definitions

- SkyTrain Station
- SkyTrain Line
- Bus Exchange/West Coast Express
- Frequent transit corridor

